



MONTGOMERY COUNTY ETHICS COMMISSION

Kenita V. Barrow
Chair

Mark L. Greenblatt
Vice Chair

September 16, 2015

Waiver 15-09-016

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Justin Nunley is an attorney in the Litigation Division of the County Attorney's Office. His responsibilities include defending lawsuits against the County and its various agencies. Mr. Nunley has requested outside employment approval for employment with the City of Rockville as an Animal Review Official. The City of Rockville engages the County Attorney's office to handle workmen's compensation matters. Accordingly, Mr. Nunley is prohibited from outside employment with the City of Rockville unless the prohibition is waived by the Ethics Commission. Mr. Nunley requests a waiver of the prohibition of § 19A-12(b)(1)(B) so that he can be employed by the City of Rockville.

Mr. Nunley does not handle workmen's compensation cases for the County Attorney's Office and, therefore, has not been involved in the matters the County Attorney's Office has handled for the City of Rockville. Furthermore, Mr. Nunley has discussed his assignments with the County Attorney, who has agreed not to assign any matters involving the City of Rockville to Mr. Nunley.

As an Animal Review Official for the City of Rockville, Mr. Nunley will not be involved in any matter the City of Rockville engages the County Attorney's Office to address. His role will be to preside over administrative hearings relating to citations regarding pets belonging to Rockville residents.

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b).

In reaching this decision, the Commission has relied upon the facts as presented by Mr. Nunley.

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For the Commission:



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